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6 Attorneys for Third Parties
THEODORE KRAMER and
7 THOMAS SCARAMELLINO

FILED
SAN MATEO COUNTY

JUN 04 2019

Clerk of the Superior Court

By *[Signature]*

8 SUPERIOR COURT OF CALIFORNIA
9
10

11 COUNTY OF SAN MATEO
12

13 **Six4Three**, a Delaware limited liability
14 company, Plaintiff;

v.

15 **Facebook, Inc.**, a Delaware corporation;
16 **Mark Zuckerberg**, an individual;
Christopher Cox, an individual; **Javier**
Olivan, an individual; **Samuel Lessin**, an
17 individual; **Michael Vernal**, an individual;
Ilya Sukhar, an individual; and **Does 1-50**,
18 inclusive,

19 Defendants.

Case No. CIV533328

Assigned for all purposes to Hon. V.
Raymond Swope, Dep't 23

20 **DECLARATION OF THEODORE KRAMER IN
SUPPORT OF OPPOSITION TO FACEBOOK'S
EX PARTE APPLICATION**

Date: June 7, 2019
Time: 2:00 p.m.
Department: 23

Action Filed April 10, 2015
Trial Date: None set

Signature by Fax

CIV533328
DIO
Declaration in Opposition
1859012



1 I, Theodore Kramer, declare under penalty of perjury as follows.

2 1. My name is Theodore Kramer. I make the following statements based on my
3 personal knowledge, and I believe them to be true. I could and would testify competently if
4 called as a witness.

5 2. On May 31, 2019, I submitted my Declaration regarding Retention of Counsel.

6 3. On June 3, 2019, Facebook submitted the present *Ex Parte* Application. Neither I
7 nor my counsel received prior notice of Facebook's request that I appear in person at the June 7,
8 2019 hearing before this Notice of *Ex Parte* Application was served.

9 4. The only item I have received from Facebook's counsel regarding this Friday's
10 hearing is Facebook's Proposed Order Resetting Case Management Conference to June 7, a true
11 and correct copy of which is attached hereto as **Exhibit 1**.

12 5. I am willing to appear and answer any questions the Court may have regarding
13 my May 31 declaration and my efforts to secure representation for Plaintiff, however, I have
14 several long-planned business meetings scheduled for this Friday in New York which I am
15 unable to defer or cancel. A true and correct copy of an email confirming one such meeting is
16 attached hereto as **Exhibit 2**, with the personal information of non-parties redacted.

17 6. This is the first time Facebook has requested that I appear at a Case Management
18 Conference. Every time I have been required to appear by this Court, I have been provided ample
19 notice. Furthermore, I did not anticipate the Case Management Conference at issue being moved
20 from June 28, 2019 to June 7, 2019 at Facebook's request when contemplating my business
21 schedule.

22 7. I can confirm that I will be able to appear and answer any questions the Court
23 may have on June 26, 2019. If this date is not agreeable, I am willing to agree to a different date.

24 8. Alternatively, I am also willing to answer any questions the Court may have over
25 the telephone during the hearing as currently scheduled.

1 I declare under penalty of perjury under the laws of the State of California that the
2 foregoing is true and correct and that this declaration was entered into on June 4, 2019 in Palo
3 Alto, California.

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Theodore Kramer (Jun 4, 2019)

5 Theodore Kramer
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EXHIBIT 1

ATTORNEY OR PARTY WITHOUT ATTORNEY: NAME: Sonal N. Mehta (SBN 222086), Laura E. Miller (SBN 271713) FIRM NAME: Durie Tangri, LLP STREET ADDRESS: 217 Leidesdorff St., CITY: San Francisco TELEPHONE NO: 415-362-666 E-MAIL ADDRESS: SERVICE-SIX4THREE@durietangri.com ATTORNEY FOR (name): Defendant Facebook, Inc.		STATE BAR NO.: STATE: CA ZIP CODE: 94111 FAX NO.: 425-236-6300	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Mateo STREET ADDRESS: 400 County Ctr. Redwood City, CA 94063 MAILING ADDRESS: 400 County Ctr. CITY AND ZIP CODE: Redwood City, CA 94063 BRANCH NAME: Southern Branch; Hall of Justice and Records		CASE NUMBER: CIV 533328	
PLAINTIFF/PETITIONER: SIX4THREE, LLC DEFENDANT/RESPONDENT: Facebook, Inc., Mark Zuckerberg, Christopher Cox, et al OTHER:		JUDICIAL OFFICER: Hon. V. Raymond Swope	
PROPOSED ORDER (COVER SHEET)		DEPT: 23	

NOTE: This cover sheet is to be used to electronically file and submit to the court a proposed order. The proposed order sent electronically to the court must be in PDF format and must be attached to this cover sheet. In addition, a version of the proposed order in an editable word-processing format must be sent to the court at the same time as this cover sheet and the attached proposed order in PDF format are filed.

1. Name of the party submitting the proposed order:
Facebook, Inc.
2. Title of the proposed order:
[Proposed] Order Resetting Case Management Conference to June 7, 2019
3. The proceeding to which the proposed order relates is:
 - a. Description of proceeding: Case Management Conference & Discovery Conference
 - b. Date and time: May 10, 2019, 9:00 A.M.
 - c. Place: Department 23, San Mateo Superior Court
400 County Center, Redwood City, CA 94063
4. The proposed order was served on the other parties in the case.

Catherine Y. Kim

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY)

Page 1 of 2

CASE NAME: SIX4Three, LLC v. Facebook, Inc. et al.	CASE NUMBER: CIV 533328
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**PROOF OF ELECTRONIC SERVICE
PROPOSED ORDER**

1. I am at least 18 years old and **not a party to this action**.

a. My residence or business address is (*specify*):

217 Leidesdorff St., San Francisco, CA 94111

b. My electronic service address is (*specify*): SERVICE-SIX4THREE@durietangri.com

2. I electronically served the *Proposed Order (Cover Sheet)* with a proposed order in PDF format attached, and a proposed order in an editable word-processing format as follows:

a. On (*name of person served*) (*If the person served is an attorney, the party or parties represented should also be stated*):
See Attachment

b. To (*electronic service address of person served*): See Attachment

c. On (*date*): 5/22/2019

Electronic service of the *Proposed Order (Cover Sheet)* with the attached proposed order in PDF format and service of the proposed order in an editable word-processing format on additional persons are described in an attachment.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: May 22, 2019

Catherine Y. Kim

(TYPE OR PRINT NAME OF DECLARANT)

(SIGNATURE OF DECLARANT)

SERVICE LIST ATTACHMENT

VIA U.S. MAIL & EMAIL

Theodore Kramer
1267 Chestnut St., Apt. 6
San Francisco, CA 94109
ted@six4three.com

Agent for Service of Process for Six4Three, LLC

VIA EMAIL ONLY

Stuart G. Gross
GROSS & KLEIN LLP
The Embarcadero, Pier 9, Suite 100
San Francisco, CA 94111
sgross@grosskleinlaw.com

VIA EMAIL ONLY

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Attorney for Theodore Kramer and Thomas Scaramellino (individual capacities)

VIA EMAIL ONLY

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James A. Lassart
Thomas P Mazzucco
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13 San Francisco, CA 94111
14 Telephone: 415-362-6666
15 Facsimile: 415-236-6300

16 Attorneys for Defendant
17 Facebook, Inc.

18 SUPERIOR COURT OF THE STATE OF CALIFORNIA

19 COUNTY OF SAN MATEO

20 SIX4THREE, LLC, a Delaware limited liability
21 company,

22 Plaintiff,

23 v.

24 FACEBOOK, INC., a Delaware corporation;
25 MARK ZUCKERBERG, an individual;
26 CHRISTOPHER COX, an individual;
27 JAVIER OLIVAN, an individual;
28 SAMUEL LESSIN, an individual;
MICHAEL VERNAL, an individual;
ILYA SUKHAR, an individual; and
DOES 1-50, inclusive,

Defendants.

Case No. CIV 533328

Assigned for all purposes to Hon. V. Raymond
Swope, Dept. 23

**[PROPOSED] ORDER RESETTING CASE
MANAGEMENT CONFERENCE TO JUNE 7,
2019**

Date: May 10, 2019

Time: 9:00 a.m.

Dept: 23 (Complex Civil Litigation)

Judge: Honorable V. Raymond Swope

FILING DATE: April 10, 2015

TRIAL DATE: April 25, 2019

In the Order Granting Attorney's Motion to be Relieved as Counsel—Civil issued on April 29, 2019, the Court set a Case Management Conference regarding Plaintiff Six4Three, LLC's ("Six4Three") status of retention of new counsel for June 28, 2019 at 2:00 p.m. in Department 23, with Case Management Conference statements addressing Plaintiff's retention of counsel to be filed and electronically served no later than June 21, 2019. Order Granting Attorney's Motion to be Relieved as Counsel—Civil at Attachment 13 p. 2 (Apr. 29, 2019).

The Case Management Conference regarding the status of Six4Three's retention of new counsel is reset to June 7, 2019 at 2:00 p.m. Case Management Conference statements addressing the status of Six4Three's retention of new counsel shall be filed and electronically served no later than May 31, 2019.

The Court further orders counsel for Mr. Theodore Kramer to file a notice of Mr. Kramer's contact information, including his mailing address, with the Court so that Six4Three can be served with notice of the resetting of the Case Management Conference.

IT IS SO ORDERED.

Dated:

**HON. V. RAYMOND SWOPE
SUPERIOR COURT JUDGE**

EXHIBIT 2



Theodore Kramer [REDACTED]

Teddy (NEON) <[REDACTED]>

Theodore Kramer [REDACTED]

To: [REDACTED]

Thu, May 30, 2019 at 1:18 PM

Great. Looking forward to it.

On Thu, May 30, 2019 at 1:17 PM [REDACTED] wrote:
Perfect. I'll send over a calendar invite.

[REDACTED]
Investor
[REDACTED]

email: [REDACTED]
mobile: [REDACTED]
address: [REDACTED] New York, NY 10018



On Thu, May 30, 2019 at 4:16 PM Theodore Kramer [REDACTED] wrote:
Friday afternoon sounds great.

How about 3:30pm at your office [REDACTED]?

On Thu, May 30, 2019 at 1:12 PM [REDACTED]
Thanks [REDACTED]! (to bcc)

Hi Teddy - It is great to meet you. Would love to chat further; how does next Thurs or Friday afternoon EST look for you?

Best,

[REDACTED]
[REDACTED]
[REDACTED]
email: [REDACTED]
mobile: [REDACTED]
address: [REDACTED] New York, NY 10018



On Thu, May 30, 2019 at 3:56 PM [REDACTED] wrote:
Hi Teddy and [REDACTED]

I wanted to put you both in touch. Teddy is the CEO/ Founder of NEON and [REDACTED]. I hope you can connect soon!

Best,

[REDACTED]

[REDACTED]